

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Barry Lewis

Docket No. 5:08-CR-197-1F

Petition for Action on Supervised Release

COMES NOW Billy W. Boggs, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Barry Lewis, who, upon an earlier plea of guilty to Possession of a Firearm and Ammunition by a Prohibited Person, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on January 22, 2009, to the custody of the Bureau of Prisons for a term of 30 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
3. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
4. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
5. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.

Barry Lewis was released from custody on July 5, 2009, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On August 1, 2010, the defendant was charged with Driving While Impaired in Wake County, North Carolina. On December 14, 2010, the defendant pled guilty to Driving While Impaired. He was sentenced to 60 days in jail, suspended, and one year probation. Based upon the defendant's violation behavior, a sanction is required to address this matter. It is recommended that the defendant be placed in the home detention program for 60 days. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 60 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.


/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Billy W. Boggs, Jr.
Billy W. Boggs, Jr.
Senior U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: February 28, 2011

Barry Lewis
Docket No. 5:08-CR-197-1F
Petition For Action
Page 3

ORDER OF COURT

Considered and ordered this 28th day of February, 2011, and ordered filed and made a part of the records in the above case.



James C. Fox
Senior U.S. District Judge